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UNITED STATES DISTRICT COURT
DISTRICT OF OREGON
PORTLAND DIVISION

FEDERAL TRADE COMMISSION,
STATE OF ARIZONA,
STATE OF CALIFORNIA,
DISTRICT OF COLUMBIA,
STATE OF ILLINOIS,
STATE OF MARYLAND,
STATE OF NEVADA,
STATE OF NEW MEXICO,
STATE OF OREGON, and
STATE OF WYOMING,

Plaintiffs,

v.

THE KROGER COMPANY and
ALBERTSONS COMPANIES, INC.,

Defendants.

Case No.: 3:24-cv-00347

**PLAINTIFF FEDERAL TRADE
COMMISSION'S UNOPPOSED
MOTION FOR ENTRY OF
STIPULATED TEMPORARY
RESTRAINING ORDER**

Plaintiff Federal Trade Commission respectfully moves the Court for entry of the stipulated temporary restraining order that is attached to this Motion as Exhibit A. Defendants do not oppose

this Motion.

Plaintiff Federal Trade Commission has brought a claim in this action pursuant to Federal Trade Commission Act § 13(b), 15 U.S.C. § 53(b), seeking to preliminarily enjoin Defendants The Kroger Company and Albertsons Companies, Inc. from consummating their agreement for Kroger to acquire Albertsons (the “Proposed Transaction”). Specifically, the Federal Trade Commission is requesting a § 13(b) preliminary injunction to preserve the status quo during the pendency of the Commission’s administrative adjudication of whether the Proposed Transaction violates the antitrust laws. Plaintiff States Arizona, California, Illinois, Maryland, Nevada, New Mexico, Oregon, and Wyoming and the District of Columbia, by and through their respective Attorneys General, also seek injunctive relief pursuant to Clayton Act § 16, 15 U.S.C. § 26.

Plaintiff Federal Trade Commission and Defendants Kroger and Albertsons agreed that, in the event that Plaintiff Federal Trade Commission filed an enforcement action seeking to enjoin Defendants’ Proposed Transaction, the parties would file a joint stipulation with the Court for entry of a temporary restraining order preventing Defendants from consummating the Proposed Transaction until after 11:59 p.m. Eastern Time on the fifth business day after this Court rules on the requested preliminary injunction or a date the Court may set, whichever is later. The stipulated temporary restraining order is attached here as Exhibit A.

Absent entry of the stipulated temporary restraining order, Defendants would be free to consummate the Proposed Transaction after 11:59 p.m. Eastern Time on February 28, 2024.

On February 26, 2024, Plaintiff Federal Trade Commission filed an enforcement action seeking to enjoin Defendants’ Proposed Transaction. Plaintiff, therefore, respectfully requests that the Court enter the stipulated temporary restraining order on or before 5:00 p.m. Eastern Time on

February 28, 2024.

Respectfully submitted,

Dated: February 26, 2024

/s/ James H. Weingarten
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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on February 26, 2024, I electronically filed a true and correct copy of the foregoing document using the United States District Court for the District of Oregon's CM/ECF System.

I FURTHER CERTIFY that I served the foregoing document on the following counsel via electronic mail:

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